



Serial No. 08/487,526
Docket No. 05634.0355

AF
JFW

PATENT

THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : John C. HARVEY and
James W. Cuddihy

Serial No. : 08/487,526

Filed : June 7, 1995

For : SIGNAL PROCESSING APPARATUS AND METHODS

Group Art Unit : 2652

Examiner : William Joseph Klimowicz

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313

REQUEST TO AMEND APPEAL BRIEF UNDER 37 C.F.R. § 41.37(d)

Appellants Noticed an Appeal of this application on October 7, 2004. An Appeal Brief was filed on March 7, 2005. An Examiner's Answer was mailed on January 31, 2006. A Reply Brief was filed on March 27, 2006.

In the Appeal Brief, it is noted that appellants' related application serial number 08/470,571 is also under appeal. Appellants filed an Appeal Brief in the '571 application on February 8, 2005. The Board of Patent Appeals and Interferences recently issued an Order in the appeal of the '571 application requiring that the Examiner hold the Appeal Brief filed in the '571 application defective for, among other thing, missing the "Summary of the claimed subject matter" as set forth in 37 C.F.R. § 41.37(c)(1)(v). In the '571 Appeal Brief, appellants had provided the item required by § 41.37(c)(1)(v) in the proper order under the heading "Summary Of The Invention."

Appellants have reviewed the Appeal Brief filed March 7, 2005, in this application and note that the item required by § 41.37(c)(1)(v) is also under the heading "Summary Of The Invention." The Appeal Brief, thus, does not fully comply with the technical requirements of § 41.37(c). Appellants recognize that the Examiner should not require a corrected brief for minor non-compliance in an appeal brief such as a minor error in the title of a section heading.

M.P.E.P. § 1205.03 (8th Ed. Rev. 3, Aug. 2005). However, as the Board has considered the error significant in appellants' coopending application, appellants request that the brief be amended to conform to the requirements of § 41.37(c)(1)(v) prior to being forwarded to the Board for decision on the appeal. In accordance with M.P.E.P. § 1205.03, appellants submit herewith a replacement section in compliance with § 41.37(c)(1)(v). The replacement section is amended to change the heading to read "Summary Of The Claimed Subject Matter." The replacement section begins on the following page.

Summary Of The Claimed Subject Matter

The claims are generally directed to methods and apparatus for outputting multimedia presentations. The multiple media are received and identified for proper coordination. Independent claims 2, 20, 24, 26, 29 and 33 are directed to methods of outputting a multimedia presentation. Independent claims 37, 70, 74, 76, 85 and 95 are directed to multimedia presentation apparatus that generally correspond to the method claims. The rejections of each of these independent claims are appealed. A concise explanation of the subject matter of each of these claims with exemplary citations to the specification is set forth below. The citations to the specification are to exemplary embodiments of the disclosed invention and should not be construed to limit the scope of the claims.

1. Claims 2 And 37

In the method of claim 2, a multimedia presentation is output through the coordination of a presentation, under computer control, using information from a first medium with a presentation of a second medium, whereby the presentation using information in the first medium has a predetermined relationship to the content of the second medium. Claim 37 sets forth a multimedia presentation apparatus that is generally analogous to the method of claim 2. The specification discloses a multimedia presentation in the form of a television program (the exemplary Wall Street Week program) coordinated with information related to the user's particular stock portfolio. (*See generally* Spec. pp. 19-28.) The multimedia presentation is output as an overlay of the user's own stock performance with a studio generated graphic within the Wall Street Week transmission. (Spec. p. 26, ll. 4-11.) The coordination is under the control of microcomputer 205. (Spec. p. 24, l. 22 to p. 25, l. 8.) What is coordinated is a presentation using information from a first medium containing stock quote information (Spec. p. 449, ll. 13-20 and ll. 26-35) with a presentation of a studio generated graphic of stock index performance within the Wall Street Week television program (Spec. p. 25, ll. 28-33). The presentation of the

overlay of the user's stock performance has a predetermined relationship based on time and content with the studio-generated graphic of stock index performance. (Spec. p. 26, ll. 13-19.)

2. Claims 20 And 70

In the method of claim 20, a multimedia presentation is output through the coordination of a presentation of a first medium and information based on a second medium through the identification of the content of the first and second media. Claim 70 is an apparatus claim that is generally analogous to claim 20. As discussed above with respect to claim 2, the specification discloses a first medium exemplified by the Wall Street Week television program and stock portfolio performance information based on stock quote information from a second medium. The Wall Street Week television program is identified based on an identifier included with the program transmission. (Spec. p. 435, l. 23 to p. 436, l. 1.) The stock quote information is also identified. (Spec. p. 449, ll. 13-35.)

3. Claims 26 And 76

In the method of claim 26, a multimedia presentation of information included in one medium and information based on another medium is output, where content of each of the two media is identified and where one of the media is received from a remote transmitter station and the other medium is received from a different source. Claim 76 is an apparatus claim that is generally analogous to claim 26. As discussed above for claim 2, the specification discloses a multimedia presentation of the Wall Street Week television program in which information included in the television transmission and stock performance information based on stock prices from a remote data service is output. The content of both media is identified as discussed above with respect to claims 2 and 20. The television program is received from a remote broadcast station. (Spec. p. 20, ll. 21-29.) The stock price data is received by telephone from a remote data service. (Spec. p. 449, ll. 26-35.)

4. Claims 29 and 85

In the method of claim 29, a multimedia presentation of a first medium and a video image is output through processing of a control signal at a receiver station which causes execution of processor instructions to create a series of discrete video images, whereby a video image of the series of discrete images is caused to be output after the identification of the first medium. Claim 85 is an apparatus claim that is generally analogous to claim 29. As discussed above for claim 2, the specification discloses a multimedia presentation of the Wall Street Week television program. A plurality of graphic overlays is created after the Wall Street Week program is identified. (Spec. p. 451, ll. 6-11.)

5. Claims 33 And 95

In the method of claim 33, a multimedia presentation of information included in a first signal received from a remote transmitter station and information included in a second signal is output, whereby a user response is compared to information corresponding to content of the first signal in order to tune the receiver station to receive the second signal. Claim 95 is an apparatus claim generally analogous to claim 33. Claim 33 is generally supported by the section of the specification titled "Coordinating Computers, Television, and Print" at pages 469 *et seq.* In this section, a television presentation of a cooking show is used as an example. The television presentation of the show is included in a first signal. (Spec. p. 470, ll. 9-17.) Information regarding a recipe of the show is received in a second signal. (Spec. p. 473, ll. 3-13; p. 474, ll. 8-35; and p. 477, ll. 8-13.) A user response is compared to content recited in the television show. (Spec. p. 472, ll. 13-17.) The receiver station is tuned to receive the second signal. (Spec. p. 477, ll. 8-13.)

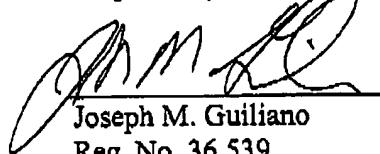
6. Claims 24 And 74

In the method of claim 24, a multimedia presentation of a television program and a second medium is output, whereby information stored at a receiver station is compared to content of a television program to determine whether to present the second medium based on

information received from a source different from that of the television program. Claim 74 is an apparatus claim that is generally analogous to claim 24. Claim 24 is similar in many respects to claim 33. During the cooking show, the user response is stored at the receiver station and compared to the content of the television program to determine whether to present the recipe. (Spec. p. 472, ll. 13-17; p. 477, ll. 8-13.) The recipe is received on a different channel than the television presentation. (*See* Spec. p. 317, ll. 2-6.)

Appellants request that this application be forwarded to the Board of Patent Appeals and Interferences with the Appeal Brief amended as set forth above.

Respectfully submitted,



Joseph M. Giuliano
Reg. No. 36,539
Phone No. 212-596-9081

Date: May 1, 2006
FISH & NEAVE IP GROUP
ROPES & GRAY LLP
1251 Avenue of the Americas
New York, New York 10020